

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WIVES AND MOTHERS OF PRISONERS
OF THE STATE,

Plaintiff,

v.

WALTER WEINBERG, *et al*,

Defendants.

Case No. C05-5657RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of a motion to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. Plaintiff is allegedly a Washington State non-profit corporation the director of which, Richard Roy Scott, is a resident currently detained at the Department of Social and Health Services' ("DSHS") Special Commitment Center ("SCC") on McNeil Island. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On October 3, 2005, the Clerk received plaintiff's complaint and motion to proceed *in forma pauperis*. (Dkt. #1). Plaintiff states it is a non-profit corporation with less than \$1,000.00 with which to operate in the future. Plaintiff, however, provides no documentation to show that it in fact is a non-profit

1 corporation incorporated in the State of Washington, or that it is authorized to do business as such in that
 2 state. In addition, plaintiff does not state what debts or financial obligations, if any, it has that prevents it
 3 from paying the court filing fee from the \$1,000.00 in assets it states it currently has. As such, the court is
 4 unable to fully evaluate plaintiff's *in forma pauperis* status.

5 In addition, Local Rule CR 3(b) provides in relevant part:

6 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of
 7 Congress, for leave to commence any civil action or to file any petition or motion without
 8 being required to prepay fees and costs or give security for them, each petitioner, movant
 9 or plaintiff shall:

- 10 (1) Complete the in forma pauperis affidavit approved for use in this district; and
 (2) File a written consent that the recovery, if any, in the action, to such amount as
 the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and
 costs taxed against the plaintiff, and to his attorney the amount which the court allows or
 approves as compensation for the attorney's services.

11 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).

12 Accordingly, this Court orders the following:

- 13 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than November 26, 2005**,
 14 (a) (i) documentation establishing that it is a Washington State non-profit corporation in
 15 current good standing or that it otherwise is currently authorized to do business as such in
 16 the state of Washington, and (ii) documentation showing its actual income and expenses for
 17 the past six months, and (b) the written consent required by Local Rule CR3(b)(2).

18 **Failure to cure these deficiencies by the above date shall be deemed a failure to**
 19 **properly prosecute this matter and the Court will recommend dismissal of this**
 20 **matter.**

- 21 (2) The Clerk is directed to send a copy of this Order to plaintiff along with a copy of the
 22 appropriate written consent form.

23 DATED this 26th day of October, 2005.

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27 Karen L. Strombom
 28 United States Magistrate Judge